



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **29 August 2014**

Country: Republic of Moldova

Description of the assignment: Legal Consultant to ensure legal framework for sex disaggregated electoral data collection

Project name: Democracy Programme/Elections

Period of assignment/services: 20 working days between 22 September – 30 November 2014

Proposals should be submitted online by pressing the "Apply Online" no later than 14 September, 2014.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: beatricia.revenco@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

Qualified women candidates are particularly encouraged to apply. Due to large number of applications we receive, we are able to inform only the successful candidates about the outcome or status of the selection process.

1. BACKGROUND

UNDP Moldova "Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support" is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (Programme) provides continuous assistance to the CEC towards:

- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies to enable them to deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process in Moldova.

One of CEC's key priorities for the period 2012-2015 is "examination of all existing CEC policies, procedures and institutional legal framework, to ensure the equal access of women and men (the principle of gender) to all electoral processes."¹

In 2013 the Programme assisted the CEC to conduct the first gender audit for a public institution in Moldova and prepare a gender mainstreaming action plan. The Action Plan (AP) identifies a number of activities that CEC and other institutions can do to foster gender equality in the electoral realm. The Action Plan contains important tools and gender indicators for periodical assessment of the progress

¹ CEC strategic Plan – page 7, <http://www.cec.md/index.php?pag=page&id=66&l=>

made on gender equality. The document was officially adopted in December 2013 and integrated into the CEC strategic plan for 2012 -2015.

As follow-up, in 2014, the Programme, in collaboration with the Joint UN Project “Strengthening the National statistical system”, will provide CEC with support to implementation of the mentioned Action Plan. Specifically, assistance is planned to establish of a proper functional mechanism for regular collection of sex-disaggregated data during future electoral cycles, as well as pre- and post-election stages.

Collection, further processing and dissemination of such data throughout the future electoral cycles will enable CEC and other stakeholders to analyze women’s and men’s degree of participation in electoral processes, identify and closely monitor the aspects of the electoral process that can and should be improved to enhance their equal participation. Thus, sex disaggregated data will reveal quantitative and/or quantitative differences between men and women, for example, in voter registration, participation in elections, voted and elected candidates for the central and/or local public administration authorities, etc. Also, these data will raise population’s awareness on the participants of elections

To achieve this objective, the Programme will provide support to review relevant legal (Electoral Code and other relevant laws) and regulatory framework (CEC decisions, regulations, instructions, forms, etc.) to be amended in order to enable CEC to collect sex-disaggregated electoral data, as well as information on other important dimensions (such as age, residence area, etc.). For that, two types of expertise, legal and statistical (*the latest defined under a separate Terms of Reference*), will be identified and contracted to work as a team and join efforts to obtain the expected results.

2. SCOPE OF WORK, RESPONSIBILITIES, AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

UNDP is seeking to employ a qualified legal consultant, with relevant expertise, to develop the adjustments to the current legal and regulatory framework which would enable the regular collection of sex-disaggregated electoral data by CEC throughout the electoral process (before, during and after elections).

The results to be produced by the Legal Consultant, combined with outputs to be delivered by the Statistician-Consultant (with expertise in data production), will represent the core elements of the future mechanism for collection of gender sensitive electoral data to be further taken over (and institutionalized) by CEC and used to inform the public on elections and its impact. Such a mechanism will contribute to the implementation of the CEC gender mainstreaming Action Plan.

In order to achieve the envisaged objectives, the sought Legal Consultant, under the overall supervision of the Project and in tight cooperation with CEC and the UNDP Statistician-Consultant, will have the following major responsibilities and perform the following activities:

- **Desk review** through analysis of the background documentation and reference materials;
- Propose **own approach** for the expected activities and detailed **work plan** that encompasses the mentioned objective and discuss them with the Programme, CEC and UNDP Statistician-Consultant;
- Participate in **meetings** with UNDP, CEC and other national stakeholders (e.g. National Bureau of Statistics), as required;
- **Revise the relevant legislation** and CEC **regulatory framework** (CEC decisions, regulations, instructions, forms, etc.) related to the current electoral data collection procedures applied by the CEC and lower level electoral management bodies.
This revision will result in identification of provisions which require amendments in order to enable CEC to collect and process sex-disaggregated electoral data throughout all stages of electoral process (election management, candidates, observers, voters etc.) as recommended by the Statistician-Consultant;
- In consultation with relevant CEC staff and cooperation with the UNDP Statistician-Consultant, **propose amendments** to the existing electoral legislation and CEC regulatory frameworks on electoral sex-disaggregated data collection;

- **Present** the obtained **results** to the national partner and advocate for their further approval/implementation;
- Develop an **activity report** on consultancy undertaken, including stages passed, resources used, results obtained versus expected, impact of obtained results, risks overcome, problems faced, lessons learned, conclusions and next stage recommendations.
- Perform **other** tasks required for successful finalization of the assignment.

For detailed information, please refer to Annex 1 – Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Education:

- Master's Degree in Law, Social Sciences or other relevant field

Experience:

- At least 3 years of experience in legal drafting in a relevant to the assignment area (governance, elections, gender, public administration, etc.)
- Experience of collaboration with Government, in particular in area relevant for the present assignment
- Previous experience in participating/undertaking of complex team-works, joint activities, moderating working groups, organizing national/local level consultation events
- Previous experience in working within UNDP or other international organizations will be an asset

Competencies and Skills:

- Proven knowledge of gender equality approach and their applicability in Moldovan legal and regulatory context (would be an asset)
- Strong analytical, organizational and interpersonal skills
- Excellent communications skills in Romanian; Good knowledge of English.

Personal Qualities and other requirements:

- Good interpersonal skills, solid judgment/decision making, initiative and creativity
- Availability to work with UNDP and Project's national stakeholders during the indicated/approved period;
- Cultural and gender sensitivity

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal explaining why they are the most suitable candidate for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item)
2. Financial proposal
3. Duly completed and signed P11 Form including three references, and personal CV.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Master's Degree in Law, Social Sciences or other relevant field
- At least 3 years of experience in legal drafting in the country, in particular related to election process

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts);

* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points shall be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
Technical		
Master's Degree in Law, Social Sciences or other relevant field	Master's – 5 pts; PhD - 10 pts	10
At least 3 years of experience in legal drafting in a relevant to the assignment area (governance, elections, gender, public administration, etc.)	3 years – 10 pts, each additional year – 10 pts, up to max. 60pts	60
Experience of collaboration with Government, in particular in area relevant for the present assignment	1 project – 5 pts, each additional project – 5 pts, up to max. 20 pts	20
Previous experience in participating/undertaking of complex team-works, joint activities, moderating working groups, organizing national/local level consultation events	Less than 1 year – 0 pts, 1 years – 10 pts, each additional year – 5 pts, up to max. 20 pts	20
Previous experience in working within UNDP or other international organizations will be an asset	no– 0, yes – 10 pts	10
Interview (demonstrated technical knowledge and experience; proven knowledge of gender equality approach and their applicability in Moldovan legal and regulatory context (would be an asset); strong analytical, organizational and interpersonal skills; excellent communications skills in Romanian; good knowledge of English; good interpersonal skills, solid	demonstrated technical knowledge and experience – 80 pts; knowledge of GE approach – no – 0 pts, yes – 20 pts; strong analytical, organizational and interpersonal skills – 20 pts; excellent communications skills in Romanian – 10 pts; good knowledge of English – 10 pts; good interpersonal skills – 20 pts, solid	180

judgment/decision making, initiative and creativity; cultural and gender sensitivity)	judgment/decision making, initiative and creativity – 10 pts; cultural and gender sensitivity – 10 pts	
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS